

### REMARKS

Claims 1-35 are pending. Claims 1, 14, 22, and 28 have been amended.

### **CLAIM REJECTIONS**

In responding to the Examiner's prior art rejections, Applicants here only justify the patentability of the independent claims. As the Examiner will appreciate, should these independent claims be patentable over the prior art, dependent claims would also necessarily be patentable. Accordingly, Applicants do not separately discuss the patentability of the dependent claims, although Applicants reserve the right to do so.

### **Rejections under 35 USC § 102**

Claims 1-4, 6-8, 11-12, and 14-20 stand rejected under 35 USC § 102(b) as allegedly being anticipated by US 6,154,600 ("Newman"). To the extent that this rejection still applies to the amended claims 1 and 14, this rejection is respectfully traversed.

Newman does not disclose ***"identify a plurality of multimedia assets that define a transition, the multimedia assets including at least one multimedia asset being user supplied and being generated independent of: any predefined multimedia assets provided by the video editing application, the source multimedia object, and the target multimedia object,"*** as required by claims 1 and 14.

The Examiner has cited several entities in Newman as support for her argument that Newman discloses all of the limitations of claims 1 and 14. Because claim 1 and 14 has been amended, Applicants address the limitations of claim 1 and 14 with respect of each of these entities below to show that Newman fails to disclose at least one limitation of claims 1 and 14.

Hypermedia: Newman's hypermedia does not teach or suggest the claimed user-supplied, independently generated multimedia asset because the hypermedia of

Newman is a source multimedia object or a target multimedia object for multimedia transitions. The claims multimedia asset required by claims 1 and 14 are independent of both source and target multimedia objects.

Newman discloses that the user can capture hypermedia from real-time on-line sources, such as broadcast radio and television, pay per view cable/satellite, Internet, etc. Consumers may replay the captured hypermedia in addition to selectively capturing and manipulating hypermedia portions, or clips, using the graphical user interface (GUI) of the Newman's editor 200. *Newman, Summary*. For example, FIG. 11 of Newman shows a transition GUI 470, in which the consumer can drag and drop a desired transition icon 476 on the storyboard 446 at a location between a pair of hypermedia portions or clips. When the consumer plays the clips on the storyboard 446, one hypermedia transitions into the other hypermedia with a transition effect described by transition icon 476. Thus, the hypermedia on the left of the transition icon 476 on the storyboard 446 is the alleged source multimedia object and the hypermedia to the right of the transition icon 476 is the alleged target multimedia object. However, claim 1 explicitly requires that at least one of the plurality of multimedia assets is independent of the source multimedia object and the target multimedia object. Therefore, the hypermedia disclosed by Newman does not meet at least one requirement of claim 1.

Alpha frame: Newman's Alpha frame does not teach or suggest the claimed user-supplied, independently generated multimedia asset of claims 1 and 14 because the alpha frame is not user-supplied or generated independent of any of the multimedia assets provided by the video editing application.

Newman, at col. 9, ll. 32-48, states:

To perform a transition between a first and a second sequence of frames using a selected first frame and a selected second frame, each representing their respective frame sequences, the input frame controller 282 stores the first frame selected from the first frame sequence in a first location of the media buffer 216. Similarly, the input frame

controller 282 stores the second frame selected from the second frame sequence in a second location of the media buffer 216. In response to the consumer's input, ***the non-linear editor 200 (FIG. 5) creates an alpha frame***, which describes how to combine the first and second frames so as to form the transition, and stores the alpha frame in a third location of the media buffer 216. ***An alpha frame is a video frame including an alpha value for each pixel, instead of a pixel value representing a color in a conventional video frame.*** The alpha value defines a mix level between corresponding pixels of the first and second frames." (Emphasis added.)

In other words, the alpha frame is created or generated by the non-linear editor 200 of Newman. Editor 200 of Newman is the alleged video editing application. There is no indication in Newman that the alpha frame is supplied by the user. Note that unlike the hypermedia of Newman, which can be downloaded from various sources such as TV, Internet, etc., the alpha frame is created by the alleged video editing application. Additionally, unlike hypermedia frames that include pixel value representing color, the alpha frame is a video frame that includes merely an alpha value for each pixel and no color value. Thus, the alpha frame is not the same as the hypermedia of Newman. Therefore, even though the hypermedia may be considered to be user supplied, the alpha frame of Newman is not user supplied; instead it is editor generated. As a result, the alpha frame also does not disclose the claimed user-supplied, independently generated multimedia asset as required by claims 1 and 14.

Transition frame: Newman's transition frame does not teach or suggest the claimed user-supplied, independently generated multimedia asset of claims 1 and 14 because the transition frame is not user-supplied and is not generated independent of any of the multimedia assets provided by the video editing application. Additionally, the transition frame is not independent of the source and target multimedia object.

Newman, at col. 9, ll. 48-59, states:

A SCRAM engine 288 retrieves the first frame, the second frame and the alpha frame from the media buffer 216. Upon

retrieving these frames, ***the SCRAM engine 288 forms a transition frame, on a pixelated basis, by combining the pixels of the first, second and alpha frames*** according to the equation:

Transition Frame pixel = [(First Frame pixel \* Alpha Frame pixel) + Second Frame pixel \* (1—Alpha Frame pixel)]

where each pixel in an alpha frame is normalized to a value between zero and one inclusive. (Emphasis added.)

Thus, the transition frame is formed by combining the first frame, the second frame and the alpha frame. This combining is carried out by the video editor of Newman. The transition frame is not provided by a user or consumer. Thus, the transition frame is not user supplied. Therefore, the transition frame does not meet the requirement of claim 1 for at least this reason.

Furthermore, the SCRAM engine 288 forms the transition frame based at least on the alpha frame. As discussed previously, the alpha frame is also generated by Newman's non-linear video editor. Therefore, Newman does not generate the transition frame independent of any multimedia assets provided by the alleged video editing application. Thus, the transition frame does not meet the requirement of claim 1 for this reason as well.

Furthermore, the transition frame is a function of the first frame and the second frame. The first frame and the second frame are the alleged source and target multimedia objects. Therefore, the transition frame is not independent of the source and target multimedia objects as also required by claim 1.

In summary, Newman fails to teach or suggest each claim element of claims 1 and 14. Thus, claims 1 and 14 are patentable over Newman.

Arguments presented above can be applied with equal force in showing that both claims 1 and 14 are patentable over Newman.

Accordingly, withdrawal of this rejection is respectfully requested.

### **Rejections under 35 USC § 103**

Claims 22, 26-28, and 34-35 are rejected under 35 USC § 103 as being unpatentable over Newman. To the extent that this rejection still applies to the amended independent claims 22 and 28, this rejection is respectfully traversed.

Newman does not disclose ***“identifying with a computer system executing the video editing application a first movie that is user-supplied and is independent of any predefined movie provided by the video editing application, of the source multimedia object, and of the target multimedia object,”*** as required by claim 22.

In the previous Office Action (dated 8/17/2010), the Examiner alleges that Newman's hypermedia, which can be accessed from sources such as TV, Internet, etc. (Newman, Summary), disclose the first movie of the limitation at issue. However, the hypermedia of Newman is used as a source movie and/or a target movie for a transition. Therefore, the alleged first movie of Newman is not independent of the source multimedia object and of the target multimedia object.

For example, FIGS. 9-12 of Newman depict a graphical user interface 400 for capturing and editing hypermedia. The consumer can capture hypermedia and place them on the storyboard 446. The hypermedia can then be manipulated using functions provided by the GUI 440, which functions can include transitions (FIG. 11), graphics manipulation (FIG. 12), effects, etc. Using the transitions function as an example, (FIG. 11), the GUI 470 creates a transition effect between two clips on the storyboard 446. Therefore, each of the clips forms either a source multimedia object or a target multimedia object. However, claim 22 requires that a first movie be independent of the source multimedia object and the target multimedia object. Thus, the hypermedia of Newman cannot be equated to the first movie required by claim 22.

Newman also does not disclose ***“identifying with the computer system an x-asset key that is user-supplied and is independent of any predefined x-asset key provided by the video editing application, of the source multimedia object, and of***

***the target multimedia object, wherein the x-asset key comprises at least one second movie,***" as required by claim 22.

In the previous Office Action, the Examiner alleges that the alpha frame disclosed by Newman can be equated to the x-asset key required by claim 22. The Examiner's argument appears to be based on an erroneous assumption that the alpha frame is user-captured, as exemplified in the Examiner's statement "Newman teaches identifying an alpha frame from the memory controller or from a user-captured clip from the WWW wherein the alpha frame comprises a video clip or movie..." (Emphasis added). See Office Action of 8/17/2010, page 8.

However, the alpha frame of Newman is not user supplied. Applicants respectfully disagree that the alpha frame is identified from a user-captured clip from the WWW. As described earlier, the alpha frame is created by the non-linear editor application 200 (FIG. 5) of Newman (Newman, col. 9, ll. 40-44). Furthermore, unlike hypermedia frames that include pixel value representing color, the alpha frame is a video frame that includes merely an alpha value for each pixel and no color value (Newman, col. 9, ll. 44-48). The alpha frame is combined with the hypermedia to generate a transition frame. There is nothing in Newman that teaches or suggests that the alpha frame is user-supplied. However, claim 22 requires that the x-asset key is user-supplied. Therefore, the alpha frame, which is not user-supplied, cannot be equated to the x-asset key of claim 22. Thus claim 22 is patentable over Newman.

Arguments presented above with respect to claim 22 can be applied with equal force to show that claim 28 is also patentable over Newman.

Accordingly withdrawal of this rejection is respectfully requested.

***CONCLUSION***

No fees are believed due at this time. The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. Should any fees be due for any reason, the undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 501922, referencing 119-0039US.

To facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration, and allowance of the claims.

Respectfully submitted,

**/Sean McDermott/**

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